IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL.

Writ Petition No. 672(S/S)2007

1. Nand Kishore Tripathi posted as Assistant Accountant, in Distict Rural Development, Agency, Dehradun,
2. Anil Banga Posted as Accountant in District Rural Development Agency, Dehradun,
3. Pramod Kumar, posted as Accountant in District Rural Development Agency, Dehradun. ---- Petitioners.

Vs.

1. State of Uttarakhand through Secretary , Rural Development Department, Govt. of Uttarakhand, Dehradun,
2. The Project Director, District Rural Development Agency, Dehradun,
3. Commissioner, (Administration) Rural Development, Uttarakhand, Pauri Garhwal. ----Respondents.

Sri C.D, Bahuguna, learned Counsel for the petitioners,
Sri Paresh Tripathi, learned State Counsel for State of Uttarakhand/respondents.

Hon'ble M.M. Ghildiyal, J.

Heard Sri C.D. Bahuguna, learned Counsel for the petitioners and Sri Paresh Tripathi, learned State Counsel for State of Uttarakhand/respondents.

By means of this writ petition, the petitioners have prayed for the following reliefs:-

i. Issue a writ, order or direction in the nature of mandamus commanding the respondents not to transfer the petitioners who are the employees of the DRDA, Dehradun an autonomous Govt. Agency, to any other DRDA of another district,

ii. Issue a writ, order or direction in the nature of mandamus commanding the respondents not to frame or implement any policy for transferring the employees

of one DRDA to another DRDA until the employees are absorbed in the line department i.e. Rural Development Department of the State and until service rules are framed for them under Article 309 of the Constitution of India and until Fundamental Rules are made applicable to them,

iii. Issue a writ, order or direction in the nature of mandamus commanding the respondents not to compel the employees of the DRDA, Dehradun to go on transfer to any other DRDA of another district,

iv. Issue any other writ, order or direction as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case,

v. Award cost of petition to the petitioners.

Counsel for the petitioners has submitted that for redreassl of their grievances; the petitioners have already moved representation before respondent no. 2 i.e. the Project Director, District Rural Development Agency, Dehradun on 30th May 2007, which is contained in annexure no. 11 to the writ petition. Therefore the respondent no. 2 may be directed to take decision on the representation of the petitioners within the period as stipulated by this Court.

The prayer is innocuous.

Consequently, I direct the petitioner to submit a certified copy of this order before the respondent no. 2, alongwith a copy of the representation, within a week from today and the respondent no. 2 is directed to take decision on the representation of the petitioners dated 30th May 2007 within 5

days from the date of production of a certified copy of this order before him.

It is expected from the authority concerned not to implement the policy adopted through the notice issued by the Project Director, District Rural Development, Dehradun dated 28.05.2007 which was issued in pursuance of the letter dated 21th May 2007 communicated by the Commissioner, Rural Development, Uttarakhand, Pauri prior to taking decision on the representation of the petitioners.

With these directions, the writ petition is finally disposed of. No order as to costs.

Let a certified copy of this order be provided to the petitioners today itself, on payment of usual charges.

(M.M. Ghildiyal, J.)

June 14, 2007:
NCM: